

United States District Court Southern District of Texas

Case Number: 03mc386

ATTACHMENT

Description:

☐ State Court Record ☒ State Court Record Continued

☐ Administrative Record

☒ Document continued - Part 141 of _____

☐ Exhibit to: _____
number(s) / letter(s) _____

Other: _____

1 no personal injury.

2 Q Do they ever do criminal work like pro
3 bono stuff?

4 A Once in awhile. One of the guys that
5 came to work for us was doing a pro bono
6 case at Vinson, Elkins.

7 Q Did you get involved with that at all?

8 A No.

9 Q You mentioned that you discussed with
10 your associates at work the death
11 penalty. Did you indicate that you felt
12 it was wrong or inappropriate?

13 A Yes.

14 Q How did you respond to that argument, or
15 did you respond?

16 A Well, I don't know that I think it's
17 right or wrong. I think if you take the
18 life of another person that it's
19 justified. If it was a close friend of
20 mine or if my husband was involved, I
21 don't feel that that person should not
22 die.

23 Q But in this case it would be a person
24 that would be far removed from your
25 personal relationships. Do you think

1 those same rules apply when it's a
2 stranger who is killed?

3 A Yes, I do.

4 Q So justice for them too could mean the
5 death penalty in some cases where a
6 person is convicted of capital murder?

7 A Yes, because that person had a life and
8 had family and friends too.

9 Q Let's talk about these issues. Read
10 Issue Number One to yourself one more
11 time.

12 By the time you get to this
13 issue you have found the defendant
14 guilty of capital murder. You know all
15 the facts of how the killing occurred
16 and you know about the victim. In some
17 trials you may have received more
18 evidence. At the punishment phase of
19 the trial you may receive evidence of
20 the person's background including his
21 criminal history if there is one. You
22 may have heard evidence of his military
23 background, his family background, all
24 kinds of things. It's a pretty wide
25 open hearing if the evidence is

1 available.

2 Let's look at the issue itself.
3 It requires that the State prove beyond
4 a reasonable doubt that there's a
5 probability that the defendant would
6 commit criminal acts of violence. In
7 your opinion what does the word
8 probability mean in the context of that
9 issue?

10 A With beyond a reasonable doubt attached
11 to it?

12 Q Yes.

13 A More likely than not.

14 Q That's exactly the definition we would
15 suggest. The law doesn't give us a
16 definition for the word so that means
17 the jurors have to use their own common
18 sense definition of the word.

19 Q We have to prove to you beyond a
20 reasonable doubt that it's more likely
21 than not that he's going to be violent
22 in the future.

23 It's clear to you that it
24 doesn't mean we have to prove to you
25 absolutely, correct?

1 A Yes.

2 Q But that it's more likely than not?

3 A Yes.

4 Q Would you agree with me that it would be
5 impossible for me to prove to you with a
6 hundred percent certainty what anyone is
7 going to do in the future?

8 A Yes.

9 Q Look at the words criminal acts of
10 violence. Would you agree that an
11 assault against another person, fist-
12 fighting, slapping another person,
13 stabbing another person, and in some
14 instances crimes against property like
15 arson or shooting out car tires, beating
16 out windows, all of those are acts of
17 violence?

18 A Yes.

19 Q That's what the State has to prove. The
20 State has to prove to you that it's more
21 likely than not that the defendant is
22 going to commit some kind of violence in
23 the future that would constitute a
24 threat to society. That's the burden we
25 have.

1 If you answer that question yes,
2 you're two thirds of the way to the
3 death penalty. Does that seem like a
4 sufficient standard for you? Does it
5 seem like a big enough burden, or do you
6 think we should have to prove more
7 before you could answer that question
8 yes?

9 A I think that beyond a reasonable doubt
10 standard makes it a big enough hurdle.

11 Q Let me ask you this. As I told you, in
12 some cases you may hear evidence about a
13 defendant's criminal background and in
14 some cases you may not. You may hear
15 evidence about background or other
16 things in some cases and others you may
17 not. In some cases you may hear only
18 about the facts of the capital murder
19 itself.

20 Do you think that the facts of
21 the case itself, if they were bad
22 enough, violent enough, whatever, that
23 it could cause you to believe beyond a
24 reasonable doubt that it's more likely
25 than not that he would be violent in the

1 future?

2 A Yes.

3 Q So you wouldn't require us to prove to
4 you a violent history; is that correct?

5 A No, I would not. It would depend on the
6 case, but if it was violent enough, the
7 nature of it, I would consider that. I
8 wouldn't require that there be a history
9 of prior crimes of violence.

10 Q Let me ask you about the word society
11 there. Do you think that people that
12 are inside the prison should be
13 protected? I'm talking about inmates,
14 guards, lawyers, people who work in the
15 prison system as well as the inmates, do
16 you think that they have the right to be
17 protected against future acts of
18 violence by the defendant?

19 A Gosh, I don't see why not.

20 Q This may be a good time to talk to you
21 about the issue that you've raised on
22 your questionnaire that seems to be a
23 major concern of yours, and that's the
24 issue of early release or mandatory
25 release. You use the adjective that

1 it's abhorrent. I think you mean you
2 don't like it, correct?

3 A Something like that, yes.

4 Q I can tell you that we're not going to
5 be discussing parole or mandatory
6 release.

7 A No information at all?

8 Q No. The only reference to parole that
9 you will hear about is when Judge
10 Collins reads the charge and will give
11 you the Court's instructions that you
12 are not to consider parole or the
13 existence of parole or how parole might
14 be applied to this defendant in the
15 future in determining how to answer
16 these Special Issues. You must make an
17 objective decision about an individual,
18 about whether or not he's going to be a
19 continuing threat to society and not
20 base it on anything else.

21 Can you do that? Can you follow
22 the Court's instructions?

23 A Yes, I can because it's not an option so
24 I will follow that instruction.

25 Q I'm not sure what you meant. We're at

1 the punishment stage of the trial.
2 There are no options. The Judge would
3 instruct you that you could not consider
4 parole.

5 A Well, I'm referring to the two
6 possibilities. I don't know if there's
7 life without parole, if that's one of
8 the options, or life in prison. I don't
9 know.

10 Q You cannot consider parole for any
11 purpose whatsoever. Can you answer
12 these questions and not consider what
13 life means? You're not allowed to
14 consider anything else. You will
15 receive an instruction in that regard.

16 In other words, you have to
17 answer those questions independently
18 based on the evidence and not whether or
19 not you think he might get out at some
20 future time. Can you do that?

21 A I would have to say that would be in the
22 back of my mind.

23 Q That's why I brought it up. Your
24 language is pretty strong here. Most
25 everybody that comes in here has some

1 ideas about what a life sentence means.
2 We wish they didn't but they do. You
3 would be instructed that you can't
4 consider that though and I'm sure you
5 can understand why. In this case we're
6 seeking the death penalty so this is
7 extremely important. You would be given
8 instructions that you would be required
9 to follow and you have to be able to
10 follow them. You're supposed to base
11 your answers on the evidence and the
12 evidence alone and not on early release
13 or your feelings about early release or
14 whether it exists or whatever.

15 What do you think?

16 A I think I could answer these questions
17 the way they are worded.

18 Q You can do it?

19 A I believe I could.

20 Q Then I'd ask you to read Issue Number
21 Two to yourself. Issue Number Two is
22 the issue you get to after you have
23 found the defendant guilty and after you
24 have answered yes to the first question,
25 that he would be a continuing threat to

1 society.

2 Now what is required for you to
3 do is to reconsider all the evidence.
4 That issue is to be answered on the
5 evidence. It doesn't start out do you
6 find from the evidence beyond a
7 reasonable doubt. The State has no
8 burden as to that issue whatsoever.
9 That's up to the jurors to determine.
10 They have to go back there and look at
11 the evidence and see if there's
12 something that's sufficiently mitigating
13 to warrant that a life sentence is more
14 appropriate than the death sentence.

15 I would suggest to you that the
16 most important word in that issue is the
17 word sufficiently. You might hear
18 evidence that you think could be
19 mitigating but it may not be
20 sufficiently mitigating towards life
21 rather than death.

22 It's sort of like a balancing
23 process. Here you have found the man
24 guilty. You've found that he's a
25 continuing threat to society, and now

1 you look to see if there is something
2 sufficient to outweigh that. Does that
3 make sense to you?

4 A Yes.

5 Q You may sit there and be thinking of
6 factors or circumstances that might be
7 mitigating, you may not be able to think
8 of anything. Does anything come to mind
9 as something that would be sufficiently
10 mitigating to you to warrant a life
11 sentence rather than a death sentence?

12 A I can't think of anything.

13 Q Let me see if I can give you some
14 examples of some things that could be
15 mitigating in some cases. For example,
16 let's say that we have a very youthful
17 offender, a seventeen-year old. Some
18 people may consider that mitigating.
19 However, there are seventeen-year olds
20 on death row.

21 Another example could be mental
22 retardation. Some people think that's
23 mitigating. Maybe you recall the Penry
24 case. That was the case that said that
25 the jury ought to be given every piece

1 of information that's available on the
2 person to determine if the death
3 sentence is appropriate.

4 How would you feel in a
5 situation if you got information that
6 the defendant had voluntarily become
7 intoxicated on drugs or alcohol and had
8 committed a capital murder? Do you
9 think that mitigates against the death
10 penalty?

11 A No.

12 Q Do you think a person is responsible for
13 their actions nevertheless?

14 A Yes, I do.

15 Q Can you keep an open mind and wait until
16 you hear all of the evidence before you
17 make that determination?

18 A Yes.

19 Q I'm looking through your questionnaire
20 quickly and seeing if there's anything I
21 need to ask you about specifically.

22 Have you ever practiced any
23 criminal law?

24 A No, I have not.

25 Q Have you ever been to the Criminal

1 Courthouse before?

2 A I think they brought us down from school
3 to show us Judge Poe.

4 Q You were asked what was the first thing
5 that comes to your mind when you think
6 of prosecutor and you said you wouldn't
7 want to work for the Government. Why
8 not?

9 A I think it would be kind of tough to
10 have the Government as your employer.
11 They don't pay very much either.

12 Q You used to work for Baker/Botts?

13 A Yes, but I got the big firm blues. I
14 wanted to work for a smaller firm.

15 Q At the end of your questionnaire you
16 were given a group of statements that
17 you were asked to agree or disagree
18 with. You had quite a few comments
19 here. I'm not quite sure I understand
20 some of this.

21 A Well, I had some question about taking
22 someone's life based on what they've
23 done but I believe it's necessary. I
24 believe in a lot of cases it's
25 necessary. I don't know if it's morally

1 the right thing or not. That's what I
2 mean.

3 Q Can you make a decision or is the
4 feeling you have it may not be morally
5 right would interfere?

6 A No, I can make a decision.

7 Q Is there anything in your religious
8 background that would cause you a
9 problem?

10 A No.

11 Q Would it be fair to say you have no
12 problems?

13 A It would be fair to say, yes.

14 Q No. 17 says that capital punishment
15 should be available as a punishment for
16 more crimes than it is now. You left
17 that one blank.

18 A I can't answer that. It would depend on
19 the circumstances.

20 Q As far as premeditation, could you
21 understand how a capital murder could
22 occur, that the specific intent to kill
23 a person could occur in the snap of the
24 fingers?

25 A Yes, I could.

1 Q Could there be some capital murders that
2 might not be thought out for a period of
3 time where you could think that the
4 death penalty could be appropriate?

5 A Yes.

6 Q And that would sort of depend on the
7 circumstances?

8 A Yes, it would. I wasn't sure how long a
9 premeditation you were talking about.

10 Q I have no other questions to ask from
11 your questionnaire. There is one brief
12 question that comes to mind when we're
13 talking about putting a lawyer on the
14 panel. Can you listen to the evidence
15 and do what the law requires without
16 interjecting your own legal knowledge
17 into the process? You understand you
18 bring in your own knowledge, but some
19 jurors might put more stock in what they
20 hear some people say because of their
21 job. Do you understand what I'm saying?

22 A Yes. I would probably try to be quiet
23 unless specifically asked. Then, I
24 don't know. It would depend. I don't
25 know.

1 Q Let me ask you this. You're not going
2 to try to impose your opinions on the
3 other eleven, correct?

4 A I wouldn't try to, no.

5 Q Do you think you might do that?

6 A No.

7 Q I've enjoyed speaking with you.

8

9 VOIR DIRE EXAMINATION

10 BY MR. GUERINOT:

11 Q Let's move right ahead directly to your
12 statement about parole. The bottom line
13 is that parole can't come into this at
14 all, not at all. You're strongly
15 against people who are early released.

16 A That's right.

17 Q If you were to get on this jury, your
18 legal days as far as the law is
19 concerned are done. The Judge will tell
20 you what the law is. You can't go back
21 there, for instance, and give the jury
22 what you think is the definition of
23 something or interject your legal
24 opinions.

25 A I understand that.

1 Q And you have been told that you cannot
2 consider the possibility of parole. You
3 said you could do that?

4 A Yes, but the possibility that somebody
5 could get out even though he's a
6 continuing danger to society, that would
7 bother me.

8 Q Let me make this clear to you. Here's
9 what's going to happen. We can use all
10 the hypotheticals we want but the bottom
11 line is that at this point you have
12 found the defendant guilty. You
13 believe, as Ms. Huffman has stated, that
14 this person has committed capital
15 murder. We're not talking about
16 manslaughter. We're not talking about
17 an accident. We're not talking about a
18 ricocheted bullet. We're talking about
19 someone who intended to kill two people,
20 two people in this case. You have found
21 that person guilty.

22 Now you come to those two
23 questions. You say you can answer them
24 based on the evidence but you can see
25 how your feelings about parole just

1 possibly might cause you to answer those
2 questions in such a way that the person
3 on trial would get the death penalty
4 because you don't want him out of jail?

5 A You're talking about that second
6 question now?

7 Q Let me turn these issues towards you so
8 you can see them. The feeling that I'm
9 getting from you -- I'll put it all into
10 the mix and then I'll ask the questions.

11 You've got somebody here who has
12 been convicted of two killings. You've
13 found the specific intent to kill. It's
14 not an accident. It's not manslaughter.
15 It's the specific intent to kill.

16 You've answered this question yes, that
17 he would be dangerous, a continuing
18 threat to society. There's no doubt
19 about that. That's the way you feel.
20 That's how you've answered the
21 questions.

22 Then you get to this issue. You
23 have to go back and reconsider all the
24 evidence here. The bottom line is
25 though that if you have somebody guilty

1 of two intentional killings, this
2 question is going to be yes?

3 A I think that's right.

4 Q That's yes every time?

5 A Excuse me?

6 Q You'd answer that yes every time?

7 A Yes, I think that's right.

8 Q Let's go to this question. Can you
9 think of anything that might be
10 mitigating?

11 A I can't think of anything right this
12 minute.

13 MR. GUERINOT: May I have
14 a moment?

15 THE COURT: Yes, sir.

16 MR. GUERINOT: We
17 challenge for cause.

18

19 VOIR DIRE EXAMINATION

20 BY MS. HUFFMAN:

21 Q Ms. Jones, you have a good understanding
22 of these issues, right?

23 A Yes.

24 Q You understand the way it works?

25 A I do.

1 Q You understand that you have found the
2 defendant guilty beyond a reasonable
3 doubt?

4 A Yes.

5 Q Then we move to the second stage of the
6 trial. The State still has the burden
7 to prove to you that the first question
8 should be answered yes beyond a
9 reasonable doubt. Maybe there is
10 evidence in the case that two people
11 were killed. Maybe that's enough
12 evidence for you in regards to that
13 question. However, what the law
14 requires is that you keep an open mind
15 until you've heard all the evidence.
16 You don't know what the facts of this
17 case are. There could be all kinds of
18 facts about a person killing two people.

19 I'm not suggesting to you what
20 the facts of this case are, but let's
21 say that two people were killed. There
22 is no self-defense issue. Let's say you
23 have somebody who commits robbery and
24 didn't intend to kill anyone at all.
25 Let's say you have people at a party

1 playing cards at a family gathering.
2 Something happens during that game and
3 they get into a big fight and someone is
4 shot. There could be just all kinds of
5 circumstances that you can imagine.

6 What the law requires is that to
7 be a qualified juror that you have to be
8 able to keep an open mind. The bottom
9 line is that not every person who
10 commits capital murder deserves to die
11 for that crime. There could be
12 mitigation involved. Let's say you have
13 a seventeen-year old who has been kept
14 in a cage all his life and suddenly gets
15 out and goes on a rampage and kills two
16 people. Maybe somebody would think
17 that's some sort of mitigation where he
18 shouldn't be killed. Maybe there are
19 circumstances you can imagine where the
20 death penalty would be inappropriate.
21 You don't know what the evidence is
22 going to show. The point is that every
23 case is different and all the
24 circumstances are different.

25 Now, do you feel that everyone

1 who commits capital murder should die no
2 matter what the circumstances are or how
3 old they are? If you feel that way, you
4 need to tell us now. Do you understand
5 what I'm saying?

6 A Yes.

7 Q Mr. Guerinot kind of led you through
8 Issue Number One about a person killing
9 two people and what you would do.

10 The point is, would you listen
11 to all of the evidence and keep an open
12 mind and then determine if we've proved
13 it to you? Could you do that?

14 A If it's an intentional killing, they
15 pulled the trigger and caused the death
16 of the person, and you kill one person
17 and you kill another with specific
18 intent to cause the death, that means
19 that you were intending to kill them.
20 It's not an accident.

21 To be honest with you, I would
22 have a real problem not saying that that
23 person would be a continuing threat to
24 society. I think that continuing threat
25 means that it's likely to do it again,

1 yes.

2 Q So are you automatically going to answer
3 Issue Number One yes every time without
4 listening to the evidence and without
5 considering the evidence?

6 A If the answer to the question before
7 that which is the guilty verdict is yes,
8 that he intentionally caused the death
9 of another person, I would say I would
10 have to answer that question yes.

11 MR. GUERINOT: I challenge
12 for cause, Judge.

13 THE COURT: Granted.

14 THE COURT: You are
15 excused, ma'am.

16
17 (At this time court is
18 recessed for the day.)


THE STATE OF TEXAS

COUNTY OF HARRIS

I, MARILYN SKINNER, Official Court Reporter in and for the 208th District Court of Harris County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of the proceedings reported by me in the above styled and numbered cause, to the best of my knowledge and belief, all of which occurred in open court or in chambers.

I further certify that this transcription of the record of the proceedings truly and correctly reflects the exhibits, if any, offered by the respective parties.

WITNESS MY HAND this the 3rd
day of December A.D., 1997.


Marilyn Skinner
Official Court Reporter
208th District Court
Harris County, Texas

Certificate No. 689
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Houston, Texas 77002
(713) 775-6374

83

CAUSE NO. **72810**
IN THE COURT OF CRIMINAL APPEALS
AT AUSTIN, TEXAS

DUANE EDWARD BUCK

Appellant

VS.

THE STATE OF TEXAS,

Appellee

TRIAL CAUSE NO. 699684
APPEAL FROM THE 208TH DISTRICT COURT
OF HARRIS COUNTY, TEXAS
JUDGE DENISE COLLINS, PRESIDING

REPORTER'S RECORD

VOIR DIRE

April 24, 1997

VOLUME 21 OF 30 VOLUMES

MARILYN SKINNER
Certified Official Court Reporter
208th District Court
Harris County, Texas

FILED IN
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Troy C. Bennett, Jr., Clerk

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CAUSE NO. 699684

THE STATE OF TEXAS)
)
VS.)
)
DUANE EDWARD BUCK) 208TH JUDICIAL DISTRICT

APPEARANCES:

FOR THE STATE OF TEXAS:

Ms. Joan Huffman
Assistant District Attorney
201 Fannin
Houston, Texas 77002
Telephone No: (713) 755-5800
SBOT No.: 10296500

Ms. Linda Hood
Assistant District Attorney
201 Fannin
Houston, Texas 77002
Telephone No: (713) 755-5800
SBOT No.: 09943423

FOR DEFENDANT:

Mr. Danny K. Easterling
Attorney at Law
1018 Preston, 6th Floor
Houston, Texas 77002
Telephone No.: (713) 228-4441
Fax No. (713) 228-4072
SBOT No.: 01472017

Mr. Jerry Guerinot
Attorney at Law
1314 Texas Avenue, Suite 1515
Houston, Texas 77002
Phone: (713) 225-0094
Fax No.: (713) 225-0099
SBOT No.: 08571500

BE IT REMEMBERED that upon the 24th day of April, 1997, the above entitled and numbered cause came on for voir dire before the Honorable Denise Collins, Judge presiding in the 208th District Court of Harris County, Texas; and both the State and the Defendant, appearing in person and/or by counsel, the following proceedings were had, viz.:

1 CHARLES MILLER

2 was called as a prospective juror and, having
3 been first duly sworn, testified as follows:
4

5 VOIR DIRE EXAMINATION

6 BY THE COURT:

7 Q Good morning, Mr. Miller.

8 A Good morning.

9 Q I'm sure you remember what I spoke to
10 you about yesterday but just to refresh
11 your memory, I'll review a little bit
12 with you. Then the lawyers will talk to
13 you, and before you leave you'll know
14 whether or not you're going to be on
15 this jury. There will be a lot of
16 talking about the trial process and you
17 will be given an overview of the capital
18 murder process.

19 Q Let me ask you this question before we
20 begin. Do you have any religious,
21 moral, or conscientious scruples against
22 the death penalty in a proper case?

23 A No.

24 Q You seem to have a hesitation.

25 A Well, after your talk yesterday, I was

1 thinking about it. I always felt it was
2 an appropriate sentence but I never have
3 been close to it. It struck me as being
4 such a huge responsibility.

5 Q But the threshold question is do you
6 have any personal feelings against it?

7 A No.

8 Q As I told you yesterday, the case is
9 potentially a two-part trial. We first
10 have the guilt-innocence stage of the
11 trial, and if the jury finds the
12 defendant guilty, then we go on to the
13 punishment stage. In a capital murder
14 case, there are only two possible
15 punishments should the defendant be
16 convicted, and that's either life or
17 death.

18 Do you understand that?

19 A Yes.

20 Q You will have heard a great deal of
21 evidence at the guilt or innocent stage
22 of the trial regarding the offense
23 itself. If you find the defendant
24 guilty and you're at the punishment
25 stage of the trial, you may hear

1 additional evidence regarding issues
2 that may not have been relevant to guilt
3 or innocence but are relevant to the
4 punishment issues. If you do, you take
5 all of the evidence that you have as
6 jurors and use those in answering the
7 questions up here to your left that I
8 discussed with you yesterday.

9 Please take a moment and re-read
10 the first one to yourself. I believe I
11 discussed with you yesterday that that
12 question suggests that you're predicting
13 what the defendant would probably do in
14 the future. Would you agree with that?

15 A Yes.

16 Q The State bears the same burden of proof
17 on that question as they did at the
18 guilt-innocence stage of the trial. In
19 other words, before you can answer it
20 yes, you have to believe beyond a
21 reasonable doubt that there is a
22 probability that the defendant would
23 commit future acts of violence.

24 If you believe that the State
25 has failed to meet that burden, you have

1 to answer no. If you answer no, I would
2 sentence the defendant to life.

3 If you believe from the evidence
4 that the answer to that question should
5 be yes, then the jury goes on to
6 consider the second question or the
7 second issue. Would you read that?
8 There is no burden of proof on that
9 question. The law allows you to take
10 into consideration all of the evidence
11 that you've heard at the guilt-innocence
12 stage of the trial and any evidence you
13 may have gotten at the punishment. That
14 could include evidence about the
15 defendant's background, his mental
16 history, his social history, drug abuse,
17 criminal history if there is any,
18 whatever evidence you have. You can
19 take all that into consideration when
20 answering that issue.

21 At this point you've answered
22 yes to the first question, that he is a
23 continuing threat to society. Then you
24 have to decide if there are sufficient
25 mitigating circumstances to warrant that

1 a life sentence be more appropriate than
2 the death sentence. In answering that
3 question, you can't answer it based on
4 sympathy or gut feelings. It has to be
5 based on the evidence.

6 If the jurors believe based on
7 the evidence that the answer to that
8 question should be yes, that would
9 result in a life sentence even though
10 you've answered the first question yes.
11 A no answer to that question would
12 result in the death penalty. A yes
13 answer to the first question and a no
14 answer to the second question would
15 result in the death penalty.

16 Do you have any questions about
17 the procedure?

18 A No.

19 Q The lawyers will talk to you at this
20 time.

21
22 VOIR DIRE EXAMINATION

23 BY MS. HUFFMAN:

24 Q My name is Joan Huffman. I along with
25 Linda Hood are Assistant District

1 Attorneys. It is our job at this time
2 to try to find out a little bit about
3 how you feel about some of the issues
4 that you would have to consider if you
5 were chosen to be a juror in this case.
6 It's very important that you be as
7 candid with us as you possibly can be.
8 By the answers you've given to Judge
9 Collins, it's obvious that you will do
10 that.

11 You can see how important it is
12 for the State of Texas as well as for
13 the Defense to know exactly where you
14 stand on those issues. You remember
15 that you can't say anything wrong. You
16 won't get in any trouble for your
17 feelings. You've taken an oath to tell
18 the truth and that's it. We're only
19 interested in your honest answers.

20 If you're chosen to be on the
21 jury, you would take another oath to a
22 true verdict render according to the law
23 and the evidence so help you God.
24 That's an entirely different oath. Once
25 you take that oath, you're obligated to

1 base your verdict on the evidence and
2 the law in the case. That's why we go
3 through all of this so carefully so that
4 jurors do understand what their job here
5 is going to be. That's also why it's so
6 important we know how you really feel.

7 I'm sure it's clear to you at
8 this point that the State's objective in
9 this case is to seek the death penalty
10 for Mr. Buck. Mr. Buck is that man over
11 there in the pink shirt. You saw him
12 yesterday and you can see him today. We
13 intend to prove that he's guilty of
14 capital murder, and secondly, that Issue
15 Number One should be answered yes. In
16 other words, we intend to prove to you
17 that he would be a continuing threat to
18 society. We believe the evidence will
19 show that Issue Number Two should be
20 answered no, that there is no mitigating
21 evidence to warrant a life sentence
22 rather than the death sentence.

23 You know from Judge Collins that
24 the result of all that would be that Mr.
25 Buck would be sentenced to death by the

1 Court. You do understand that?

2 A Yes.

3 Q Let's talk about what that means.

4 You're an informed person. You know
5 that at some point Mr. Buck will be
6 executed by lethal injection. You're
7 aware of that, aren't you?

8 A Yes.

9 Q That means he would be strapped to a
10 gurney and they would inject a lethal
11 injection into his body that would cause
12 him to die. That's what the State of
13 Texas wants in this case.

14 The reason I'm going through
15 this with you is I want to make it
16 perfectly clear to you what we're asking
17 you to do, what we're asking you to play
18 a part in which is one of the twelve
19 most important roles played in this
20 courtroom. It's the jury that makes the
21 ultimate decision. Do you understand
22 that?

23 A Yes.

24 Q You exhibited a bit of hesitation with
25 Judge Collins. I'd like to discuss that